

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 22-80285-CIV-CANNON/Reinhart

TARA DUNCAN,

Plaintiff,

v.

**NCS PEARSON, INC.,
BAYO ADENIYI, and
DEPENDABLE TESTING CENTER,**

Defendants.

**ORDER GRANTING IN PART
DEFENDANTS' MOTION TO QUASH SERVICE OF PROCESS**

THIS CAUSE comes before the Court upon the Amended Motion to Quash Service filed by Defendants Bayo Adeniyi and Dependable Testing Center on April 20, 2023 (the “Motion”) [ECF No. 74].¹ In the Motion, Defendants ask the Court to quash service of process and vacate the Clerk’s entry of default [ECF No. 69] in this matter [ECF No. 74 p. 4].² On July 3, 2023, Plaintiff and Defendants filed a Notice of Filing Proposed Agreed Order on Defendants’ Motion to Quash Service of Process [ECF No. 87], attaching the parties’ proposed agreed order [ECF No. 87-1]. In the Notice, the parties request that the Court grant in part Defendants’ Motion [ECF No. 74] and enter an Order quashing service and vacating the default entered against Defendants [ECF No. 87-1 pp. 1–2]. The Notice also states that Defendants have agreed to waive formal service of process and have accepted service as of June 29, 2023 [ECF No. 87-1 p. 1].

¹ The Court previously denied Defendants’ Motion to Quash Service for failure to include a certificate of conference, as required by S.D. Fla. L.R. 7.1(a)(3) [ECF No. 73].

² For purposes of this Order, Defendants refers to Defendants Dependable Testing Center and Bayo Adeniyi. Defendant NCS Pearson, Inc’s Motion to Dismiss [ECF No. 61] is currently pending before the Court.

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Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Defendants Bayo Adeniyi and Dependable Testing Center's Amended Motion to Quash Service [ECF No. 74] is **GRANTED IN PART**.
2. The default entered against Defendants Bayo Adeniyi and Dependable Testing Center [ECF No. 69] is **VACATED**.
3. On or before **August 14, 2023**, Defendants Bayo Adeniyi and Dependable Testing Center shall file a combined response or separate answers to Plaintiff's Third Amended Complaint [ECF No. 37] in accordance with the Court's Order Requiring Combined Responses [ECF No. 44].

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 6th day of July 2023.

A handwritten signature in black ink, appearing to read 'Aileen Cannon', written over a horizontal line.

AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record